

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**NESTORA GARCIA, Individually and
as Personal Representative of the Wrongful
Death Estate of Daniel Alan Garcia,
and ROBERT GARCIA, individually,**

Plaintiffs,

vs.

No. Civ. 09-322 DJS/WDS

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BERNALILLO, *et al.*,**

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION
TO VACATE SETTLEMENT CONFERENCE**

This matter comes before the Court on Defendants' Motion to Vacate Settlement Conference (Document 57) filed June 9, 2010. Plaintiff has filed a response in opposition to the motion. Defendants filed a Motion for Summary Judgment on June 8, 2010. Defendants' position is that they want their dispositive motion ruled on, and they are not willing to engage in settlement negotiations while the motion is pending. In the Court's view, a settlement conference would not be productive at this time. Accordingly, the Court grants Defendants' Motion to Vacate and the settlement conference scheduled for June 24, 2010 is hereby VACATED.

IT IS SO ORDERED.



**W. DANIEL SCHNEIDER
UNITED STATES MAGISTRATE JUDGE**